

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLAN FLETCHER,

Plaintiff,

v.

CLENDENIN, *et al.*,

Defendants.

Case No. 1:22-cv-00249-JLT-BAM (PC)

ORDER REGARDING DEFENDANTS'
NOTICE OF OPT-OUT AND REQUEST TO
VACATE SETTLEMENT CONFERENCE
(ECF No. 37)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING OCTOBER 18, 2023
SETTLEMENT CONFERENCE
(ECF No. 36)

ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER AND CONSENT/DECLINE FORM

Plaintiff Allan Fletcher ("Plaintiff") is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to the California Welfare and Institutions Code § 6600 *et seq.* are considered civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000). This action proceeds on Plaintiff's first amended complaint against Defendants Clendenin and Price for failure to treat Plaintiff under the Fourteenth Amendment Due Process Clause due to their official policy.

On August 18, 2023, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the

1 parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 36.)
2 The Court's order granted Defendants time to investigate and determine whether to opt out of the
3 post-screening ADR project.

4 On September 15, 2023, Defendants filed a notice of opt-out and request to vacate
5 settlement conference. (ECF No. 37.) After speaking with Plaintiff and investigating Plaintiff's
6 claims, Defendants conclude in good faith that a settlement conference in this case would be a
7 waste of resources. (*Id.*) Therefore, the stay is lifted, and the October 18, 2023, settlement
8 conference is vacated. This case is now ready to proceed.

9 If the parties wish to set a settlement conference with the Court at a later date, they should
10 so inform the Court. However, the parties are also reminded that they are not precluded from
11 negotiating a settlement without judicial assistance.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The stay of this action, (ECF No. 36), is LIFTED;
- 14 2. The October 18, 2023 settlement conference is VACATED;
- 15 3. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order
16 and a consent/decline form to the parties; and
- 17 4. The parties may proceed with discovery pursuant to the discovery and scheduling
18 order to be issued by separate order.

19
20 IT IS SO ORDERED.

21 Dated: September 18, 2023

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28